

BEFORE : SHRI S. S. AGATE

Addl. Registrar (O. S.) / Addl.

Prothonotary and Senior Master

DATE: 25th June, 2024

CALLED FOR COMPLIANCE :

15	TP/1034/2024	)	Mr. Tejas Mahamuni i/b. Mr. Indrajeet Hingane,
	(ECHCBM0219861	)	Advocate for petitioners.
	2023)	)	
	WITH	)	<u>P.C.:</u> 1. Perused Petition which is filed on-line. Heard
	WILL/340/2024	)	Ld. Advocate for Petitioners. This Petition is for
		)	Probate of Last Will and Testament of the deceased
		)	filed by Petitioners Sanjay Khatau Kanani and
		)	Dharmen Kishore Kamani, being the sole Executor
		)	named under the Will of the deceased. Deceased
		)	Dhirajlal Keshavlal Shah, said to have died at
		)	Mumbai on 28.01.2021. Copy of Death Certificate
		)	is annexed to the Petition. Identification proof of
		)	the deceased viz. Copy of Adhaar Card is annexed
		)	to the Petition.
		)	
		)	2. Mr. Tejas Mahamuni, Advocate for the
		)	Petitioner submits that deceased left behind him
		)	last Will and Testament which was duly executed
		)	and registered at Mumbai on 26.08.2020. The said
		)	Will is in English language.
		)	
		)	3. Mr. Tejas Mahamuni, Advocate for the
		)	Petitioner submits that deceased was governed
		)	under the Hindu Succession Act 1956. Advocate for
		)	petitioners submits that the parents of the deceased
		)	are predeceased the deceased. The wife of the
		)	deceased, Late Mrs. Indiraben Dhirajlal Shah, is
		)	also predeceased the deceased. The other son of
		)	the deceased named Late Mr. Ghanshyam Dhirajlal
		)	Shah and his wife i.e. the daughter in law of the
		)	deceased named as Late Mrs. Raksha Ghanshyam
		)	Shah are predeceased the deceased. Exhibit "D",
		)	Exhibit 'E' and Exhibit 'F' are photo copy of the

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Death Certificate of the said wife, said son and the daughter in law of the deceased. Death certificates of the parents of the deceased are not available with the Petitioners and therefore they are not annexed hereto. That the said deceased left no daughters and other sons except mentioned in para 10 of the petition. Save and except as mentioned in para – 10, there are no other legal heirs left by the deceased. Advocate for petitioner submits that delay, if any, in filing the present petition is only due to lack of knowledge and as earlier there was no necessity of the Probate as prayed for. Therefore, delay in filing the petition, if any, be condoned. Thus, the delay is explained.

4. Petitioner's Oath is filed. Consent Affidavits of two sons and two grandsons of the deceased as mentioned in para 10 of the petition are on record. Affidavit of Neela Suketu Shah, one of the attesting witness to the Will is filed. Affidavit of service of General Citation is filed. All Affidavits are filed on-line. All other legal formalities are complied with. Hence, Petition is granted.

5. Office to issue Probate as prayed after verifying whether any Cross Petition or Caveat is filed.

**Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master**